

From: Ex. 6 Personal Privacy (PP)
Sent: 3/4/2020 1:38:31 PM
To: Burdett, Cheryl [burdett.cheryl@epa.gov]
Subject: Re: Kewaunee County call 2/6/2020

Dear Cheryl,

I had offered to share with you all of the data/research I have from Mark Borchardt, but you indicated you weren't sure what you have.

I think your best course of action needs to be connecting with Mark yourself, within the agency. I would have assumed the EPA was aware of Marks long-standing reach in our County.

In his presentation in both Door/Kewaunee counties, last spring (2019), Mark clearly outlined lagoon contamination within a three mile radius.

It is long overdue that EPA investigates the cause and source of our contamination, and quit deflecting our issues as muddled by human e-coli sources, and our karst topography. As I stated on the phone, and in a subsequent email, Marks most recent data shows without question that agricultural pollution is the bulk source of our contamination issues.

I apologize for the delay in my response, but I feel that the EPA needs to step up and do your jobs, not relying on citizenry to hand information to you, and provide follow up that should already be happening between EPA and researcher Mark Borchardt.

I trust that you will be contacting me soon, following up on our call and email correspondence.

Have you determined how many receive water from the DNR? Peninsula Pride?

I look forward to hearing from you, and anticipate that the EPA has successfully connected with USDA Mark Borchardt.

Thank you,

Ex. 6 Personal Privacy (PP)

On Feb 11, 2020, at 5:06 PM, Burdett, Cheryl <burdett.cheryl@epa.gov> wrote:

Hello N Ex. 6 Personal Privacy (PP)

Thank you for the recap. I wanted to discuss the report you sent me on 1/6/2020. The report titled

“Final Report DNR Project Number 227”

“Assessing Groundwater Quality in Kewaunee County, Wisconsin and Characterizing the Timing and Variability of Enteric Pathogen Contamination within Dolomite Aquifer in Northeastern Wisconsin.”

I want to be clear that I am not familiar with where in the report it states that Borchardt's research revealed contamination within a 3 mile radius of lagoon structures, to which you said I said “yes”. I agree that storage structures leak and lead to contamination of groundwater, but I

am not sure where it states this in the report. If you could provide me with a location in the report that would be very helpful.

I stated that I needed additional information, what I was talking about was on page 13 of the report it reads that “well contamination depends on surrounding land uses (e.g. residential and agriculture). Inventory of land use near sampled wells was not within the scope of the present study, but its role in well contamination was part of the statistical models that will be reported in the scientific paper stemming from this work.” Has this paper been published, I have reached out to Borchardt and have not heard back if it has been published?

Sincerely,

Cheryl Burdett
R5 EPA/WECAB
Work: 312-886-1463
Burdett.cheryl@epa.gov

From: Ex. 6 Personal Privacy (PP)
Sent: Tuesday, February 11, 2020 9:08 AM
To: Burdett, Cheryl <burdett.cheryl@epa.gov>; Wilson, Jennifer <wilson.jenniferA@epa.gov>
Subject: Kewaunee County call 2/6/2020

Dear Cheryl and Jennifer,

Thursday's call was extremely disappointing and frustrating.

Cheryl, you stated that the only questions would would discuss dealt with the Kiosk and spills.

In opening you stated that the Algoma Kiosk is now available again. When I asked for details, such as how long the unit was not available, and at what date did it become available again, you had no information. In addressing the ongoing issues in our community regarding accessibility to residents concerning clean water, is it not the EPA's responsibility to delve into the real problems this source at the high school has had—in both accessibility and availability to our residents?

You stated that the DNR is "the lead" on our issues in Kewaunee County including water availability to those impacted. Despite my previous correspondence, included here in this thread, which pointed to the outright deficiencies in the DNR's program, and the water program with Peninsula Pride which Jennifer discussed, are seemingly ignored by your agency. We have requested that you investigate just how many residents in our county are receiving water either through the DNR or Peninsula Pride. You stated that you would find this information out.

When I asked if other Kiosks were an option, you stated that response is "confidential".

Jennifer stated that the well compensation program was a viable option for those affected, with [Ex. 6 Personal Privacy (PP)] pointing out to the both of you that nitrate contamination is not a part of this program. The DNR's program does not address wells with high nitrates.

I pointed out that well owners must successfully prove through well testing results the contamination in their wells, which can rack up considerable costs for homeowners trying to achieve eligibility for a new well, and the testing results and criteria that must be made to be part of the well compensation program.

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a perfect example of this flawed process and the hurdles that homeowners must overcome in trying to address their contaminated well. From well testing, to paperwork, and homeowners own out of pocket costs for such an endeavor, resulting from no fault of their own, are all problematic for residents trying to achieve clean water in their homes for drinking and bathing. Despite [Ex. 6 Personal Privacy (PP)] getting a new well, it came up contaminated again less than one year later [Ex. 6 Personal Privacy (PP)] was told by the DNR, after her well was replaced, that "this is a one shot deal".

Cheryl you stated that you have read the Town of Lincoln study indicating its findings regarding well depth, construction, etc. and are aware of its contents.

When discussing your reaction to Borchardt's report, you stated that the final report I sent 1/6 was not the report you wanted from Mark Borchardt, that you were looking for "another report looking at agricultural land spreading application", and that you had tried to contact him to receive the information you were looking for. When I stated that Mark's final report strongly presented that the bulk source of our contamination is from agricultural practices/bovine manure, you stated that it is not our "sole source" of contamination and that septic contamination is still considered a "constant source" regarding our contamination issues. [Ex. 6 Personal Privacy (PP)] then asked you if "Agricultural contamination--solely--must be proven for the EPA to address the contamination in our County". You stated you needed more data. [Ex. 6 Personal Privacy (PP)] also asked if you were aware of the component in Borchardt's research that revealed contamination within a 3 mile radius of lagoon structures, to which you said "yes".

When we discussed the disconnect between the EPA with our county on the spills issue, you stated that you are not in contact with our local Conservation department and Davina, and that the DNR "does not stay in contact" with you.

When I asked why egregious violators such as [Ex. 6 Personal Privacy (PP)] Dairy CAFO were not at the DOJ, you stated that enforcement measures are confidential. Our experience here has been that we repeatedly ask about enforcement measures, and multiple years go by— with out enforcement then taking place.

You confirmed that due to "extreme weather" events Joe Baeten at the DNR has given permission for emergency spreading onto saturated soils, and that operators are allowed to spread outside of their approved spreading window. DNR also gave CAFO's permission to not meet their 180 day manure storage requirement, again citing "extreme weather".

When I asked, "What will EPA do to oversee WPDES permits and ensure that they require proper storage in light of modern data on what constitutes a 24 hour, 25 year storm event?" you stated we need to go to the Legislature to address that.

In closing, you stated that EPA plans on being in Kewaunee County, and that you are aware of our issues. When I asked if you had read the resolution in our county drafted for our Governor, in response to our “manure emergency”—you had not, nor were you aware of conversations taking place in our county that would prove disastrous if implemented, below in bold print.

Temporarily suspending the requirement that CAFOs (concentrated animal feeding operations) collect all leachate water to the manure storages. Many CAFOs already have the capability to capture the first flush of leachate and then direct the remaining leachate water over their Vegetative Treatment Area (VTA). This would reduce millions of additional clean water from entering pits that are currently overflowing and lack the 180 day required storage capacity for the WPDES permit. Kewaunee County would rather have the clean leachate water (after the first flush is collected) spread over a VTA then have that clean water enter the manure storage and be land applied to frozen, snow covered and/or saturated ground. This would reduce the millions of gallons of manure needing to be spread in the next 6-8 months.

Temporarily suspending the public hearing process to allow CAFOs to spread manure on land not currently under a nutrient management plan (NMP).

Opening up additional acreage for CAFOs to spread manure while following all NMP standards, setbacks, and rates would allow manure to get out safely.

Temporarily allowing CAFOs to transfer manure to non-CAFO manure pits constructed to NRCS standards without the DNR’s full approval process. Using available non-CAFO NRCS compliant manure storage pits will provide CAFOs an outlet to store manure until conditions allow the safe application of manure.

Several times in our discussion both you and Jennifer related that you understand how residents in Kewaunee County feel. You do not, and the lack of meaningful response to the October 2014 SDWA from the EPA reflects as such. Citizens have not only spent years of their lives at workgroup meetings that have left much of the solution building and recommendations on the table. Residents are left with the burden to continue doing the very work —attempting to protect our community from the onslaught of ongoing pollution—due to the utter failures of both the DNR and EPA.

In our call I asked what exactly is the catalyst for EPA involvement? I stated that not wishing to be morbid, is it an infant death? We have already had 2 infant hospitalizations in northeast Wisconsin due to e-coli poisoning, the infant in 2014, described by the grandmother, as having "explosive, bloody diapers".

The timetable of "data" compiled since the 2004 poisoning of the [Ex. 6 Personal Privacy (PP)] family and their infant daughter [Ex. 6 Personal Privacy (PP)] has been vast.

In closing, please answer my question, what is the catalyst for EPA involvement in Kewaunee County to bring resources to our community to investigate the cause and source of our ongoing contamination.

Thank you for your consideration in addressing this correspondence.

[Ex. 6 Personal Privacy (PP)]

Kewaunee, Wisconsin

----- Forwarded Message -----

From: [Ex. 6 Personal Privacy (PP)]

To: Cheryl Burdett <burdett.cheryl@epa.gov>

Sent: Monday, February 3, 2020, 2:24:39 PM CST

Subject: Kewaunee County Questions for call 2/6 1pm

Dear Cheryl, below are some of the questions I would appreciate being addressed by the EPA.

-The Algoma HS kiosk was a grassroots effort by citizenry in the county pairing up with Stonehouse Water Technologies to offer clean water to impacted citizens. From labels, to clean jugs, to the actual building of the kiosk, citizenry stepped up to help perform these functions. The kiosk has had issues with maintenance, need for filter changes, and periods where it is not functioning. Other citizen issues were brought forth in our Chicago meeting, such as the sole kiosk is not user friendly for those who cannot travel to its destination. What has EPA done to ensure that clean drinking water has been readily available to Kewaunee County citizens and what investment and resources have been utilized from the agency? Can the EPA set up kiosks in other key point regions of our county? If so, how soon?

I believe its important for the EPA to recognize the failures of both the Peninsula Pride concept in providing water to citizenry, and also the DNR program, which, its own record of non-involvement with citizens should speak volumes. Citizens out here do not wish to receive water from the very abusers that contaminated their well, and the DNR program is difficult to access, even for the computer savvy, and many disenfranchised citizens neither have a computer or the knowledge on how to effectively receive water

from the agency. The few that did access the site, found the hurdles to achieving clean water at a cost to them [water testing costs] and paperwork, were deterrents.

Per our spills, has the EPA viewed the spills spreadsheet I provided in our last email? If so, does the EPA agree that [most] of these are unpermitted spills?

Has EPA analyzed the causes for the spills--or the DNR response/lack of response? Or the impacts on the Kewaunee Community, which were many?

What is the EPA's plan to stop these unpermitted spills? Is EPA advising the DNR on how to stop these spills?

What will EPA do to oversee WPDES permits and ensure that they require proper storage in light of modern data on what constitutes a 24 hour, 25 year storm event?

Does your drinking water team recognize that there is a problem? How does the team characterize this problem? A crisis? Concern? or merely "a problem"?

What is the drinking water team's specific plan for the next 3-6 months to help Kewaunee residents have reliable access to clean drinking water? Does it include water delivery for the elderly, disabled and others who cannot travel to obtain water at site specific areas?

Has the drinking water team considered providing bottled water? If so, when did they start considering it? Why has this not been done yet?

Has the EPA considered doing a study like in Yakima Valley, or the Central Sands region? If not, why not? What additional information do they need, or is this a political issue? If they have considered a study, when will it actually happen?

Has the EPA read the Borchardt report I sent to you 1/6/2020? What is the EPA's take away from that final report?

What has EPA done in the past year to address the ongoing contamination and oversee WDNR's actions related to the SDWA petition? What does it plan to do in 2020?

Cheryl, I was quite taken aback that I provided you information that I had assumed EPA would have, such as our last 6 months of serious spills. It seems like there is a real communications problem between the DNR and EPA, and the issues in our county. How does the EPA plan on staying abreast of spills and well contamination in our county? What kinds of spills or well contamination would EPA think merit immediate attention?

What was EPA's reaction to the resolution drawn up in Kewaunee County regarding our "manure crisis" in December?

<https://kewauneecomet.com/proposed-resolution-asks-governor-to-act-on-manure-emergency/>

Did you speak to anyone on these proposed measures?

Has EPA spoken to Joseph Baeten, DNR, on what is being done to address Kewaunee's manure emergency, and any amendments made to 180 days manure storage? Is the EPA tracking which CAFO's are requesting "emergency spreading"--or how fields are being determined for application? Is any additional oversight taking place amid this crisis? Enforcement measures? NON's, or NOV's?

Thank you for your time and consideration in addressing my questions.

Sincerely,

Ex. 6 Personal Privacy (PP)

Kewaunee, Wisconsin

On Jan 28, 2020, at 7:39 AM, Burdett, Cheryl <burdett.cheryl@epa.gov> wrote:

Hello **Ex. 6 Personal Privacy (PP)**

The meeting will include myself and Jennifer Wilson from EPA's Drinking Water.

If you have questions that you would like to discuss in addition to the following:

1. Levels of manure lagoons
2. Kiosk

Please provide those questions and I can look into finding out an answer prior to the meeting. Also, if you know of other people attending please let me know and I will set up a conference line.

Sincerely,

Cheryl Burdett

R5 EPA/WECAB

CAFO Program Manager

Work: 312-886-1463

Burdett.cheryl@epa.gov

On Monday, January 27, 2020, 10:21:42 AM CST, Burdett, Cheryl <burdett.cheryl@epa.gov> wrote:

Hello

Ex. 6 Personal Privacy (PP)

I would like to let you know that I have been following up regarding your concerns about the Kiosk and the spills that have occurred in and around Kewaunee, Wisconsin with Wisconsin DNR. These discussions are taking place to understand what has been done and what measures can be taken to address the drinking water and spill concerns. I am also discussing your concerns with EPA's Drinking Water Team.

If you are available on February 6, 2020 at 1:00 p.m., I would like to have a conference call to discuss what I have learned.

Sincerely,

Cheryl Burdett

R5 EPA/WE CAB

CAFO Program Manager

Work: 312-886-1463

Burdett.cheryl@epa.gov

From

Ex. 6 Personal Privacy (PP)

Sent: Friday, January 24, 2020 12:19 PM

To: Burdett, Cheryl <burdett.cheryl@epa.gov>; Grubb, Christopher <Grubb.Christopher@epa.gov>

Subject: Water emergency

Dear Cheryl,

In our recent phone conversation on January 6 —I had informed you that our community no longer has a clean water source due to the fact that the Algoma water kiosk is no longer in operation. Town of Lincoln residents informed me of this the morning of January 6, at our Land and Water meeting. This creates a real hardship for those that relied on this source for clean water. You stated you would tell attorney Chris Grubb of this current status. Could you please let me know how the EPA plans to address this critical issue?

I was quite concerned that your office has not been kept informed of the ongoing egregious spills that have taken place here in the last several months, 13 in all, that have severely impacted local streams and waterways, including Lake Michigan, and included further contamination to residents home wells. I had sent you the data on these spills in an attachment 1/6.

Our land base here is completely and totally saturated—not helped by wet heavy snow we have had lately, mixed with rain. Manure is still being spread under the fallacy of land that is of “lower risk” for run off.

This winter and spring promises to be beyond a health and safety threat to the citizenry living in Kewaunee County—with already a “manure emergency” declared, and lagoons dangerously full (or already overflowing) while daily more waste is generated.

I would think as this “crisis” emerges and looms in an even more threatening manner in the months to come —that the EPA would be engaged with our county. The outcome is highly predictable. I am distressed that a “blame it on the rain” mentality ensues, ignoring the absolute necessity of operations making amendments to their business plans for manure containment and disposal. Our community can no longer be beholden to the failures of the industrial agricultural model, and its business plan created for “optimal” conditions.

Officials here had put together a resolution that was intended to go to our Governor that would have significantly rolled back regulations, and jeopardized both water and citizen health for the sake of emergency manure disposal.

<https://kewauneecomet.com/proposed-resolution-asks-governor-to-act-on-manure-emergency/>

Please let me know how the EPA is going to respond to our current water emergency.

Is the EPA ever planning on investigating the cause and source of the ongoing contamination here? Does the EPA have a document outlining your responses

/or lack of responses to the SDWA petition filed in October of 2014? If so, I'd appreciate that documentation please.

The water kiosk at the Algoma High school was a grassroots effort by the people here and did not include help from any agencies (DATCP/DNR/EPA).

The mass majority of residents here are not interested in getting water from the perpetrators of the pollution, Peninsula Pride, so please be aware of that, if at any level EPA feels that is a water resource. I believe they only supply water for 3 months and have had very little response to their program.

Cheryl, I appreciate you responding to my concerns, and I anticipate the EPA's involvement in our community, now, and in the coming months.

Thank you.

Ex. 6 Personal Privacy (PP)

Kewaunee, Wisconsin